

In Supreme Court of India  
Criminal Appellate Jurisdiction

Criminal Appeal No. 674 of 2012

State of Madhya Pradesh ... Appellant

Versus

Raju @ Rajesh ... Respondent

Criminal Appeal No. 677 of 2012

State of Madhya Pradesh ... Appellant

Versus

Babloo @ Rajendra ... Respondent

Order

As these appeals arise out of common judgment, therefore we propose to deal with these appeals by this common order.

Brief facts of the case as per the prosecution are that, a minor girl named Juhi d/o Jinder Jain was found to be missing from her house from 12.02.1996. On 13.02.1996, a ransom call was received by the parents of the girl. Thereafter an FIR was registered being Crime No. 86/1996 for commission of offence under Section 365 of IPC against unknown persons. As the accused could not be traced, a closure report was submitted by the I.O. on 15.11.1996. On 23.02.1997, some informants allegedly gave information to the police with regards to the crime and the accused. Thereafter all the three accused were arrested on 08.03.1997. On the basis of a confession made by the accused, some

bones were recovered from a well situated on the property of one Mr. Mohan Singh. After the seizure of the bones and other items, the police registered the case against all the accused under Sections 365, 302, 397 and 201 of IPC. After the investigation was complete, the matter was committed to the trial court.

Trial court convicted the accused-respondents under various Sections, including life imprisonment and a fine under Section 304-A of IPC. Aggrieved by the order of conviction by the trial court, accused-respondents carried the matter to the High Court. The High Court has acquitted the accused from all the charges. Aggrieved by the acquittal order of the High Court, State is in appeal before this Court.

Learned Counsel for the appellant-State has vehemently contended that the High Court has erred in not appreciating the evidence available on record. Further it was contended by the appellant-State that the chain of circumstances were complete and the conviction could be sustained.

On the other hand, learned counsel for the respondent has fully supported the reasoning of the High Court to contend that conviction of the accused-respondents cannot be sustained in facts and circumstances of the case.

Having heard learned counsel for both the parties and perusing the material available on record, it is important to note that the bones recovered could not conclusively reveal the identity as well as the sex of the individual. The alleged letter written by the accused could not be conclusively established by the handwriting expert. Even assuming that the letter is written by the accused,

the delay in forwarding the aforesaid letter, for analysis, by one year raises reasonable doubt as to its veracity. Moreover PW-2, in front of whom the accused is said to have given a confession, has been declared as hostile. Considering the aforesaid facts, we are of the opinion that the High Court has rightly acquitted accused because the prosecution had failed to establish complete chain of events so as to sustain a conviction.

In facts and circumstances of this case, we do not see any reason to interfere with the judgment of the High Court. These appeals are accordingly dismissed.

.....J.  
(N. V. Ramana)

.....J.  
(Prafulla C. Pant)

New Delhi,  
August 24, 2017

ITEM NO.101

COURT NO.10

SECTION II-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Criminal Appeal No(s). 674/2012

THE STATE OF MADHYA PRADESH

Appellant(s)

VERSUS

RAJU @ RAJESH

Respondent(s)

WITH

Crl.A. No. 677/2012 (II-A)

Date : 24-08-2017 These appeals were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE N.V. RAMANA  
HON'BLE MR. JUSTICE PRAFULLA C. PANT

For Appellant(s)      Ms. Prachi Singh, Adv.  
                                 Mr. C. D. Singh, AOR  
                                 Ms. Sakshi Kakkar, Adv.  
                                 Mr. Usman, Adv.  
                                 Ms. Chaitanya, Adv.  
                                 Mr. Pragya Garg, Adv.  
                                 Ms. Suneet Padhi, Adv.

For Respondent(s)  
                                 M/s. Khaitan & Co., AOR  
  
                                 Mr. Dilip Raghuvanshi, Adv.  
                                 Mr. Gopal Jha, AOR

UPON hearing the counsel the Court made the following  
O R D E R

The appeals are dismissed in terms of the signed order.  
Pending applications, if any, shall stand disposed of.

(SHASHI SAREEN)  
AR CUM PS

(SHAKTI PRAKASH SHARMA)  
ASSISTANT REGISTRAR

(Signed order is placed on the file)